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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 11-0097 CRB
)	
Plaintiff,)	
)	PROPOSED ORDER DENYING MOTION TO
v.)	REDUCE SENTENCE
)	
CUONG MACH BINH TIEU,)	
)	
Defendant.)	

Defendant Cuong Mach Binh Tieu has filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) and § 1B1.10 of the United States Sentencing Guidelines based on Amendment 782. *See* Dkt. 785.

The Court has received a Sentence Reduction Investigation Report from the United States Probation Office stating that the defendant is not eligible for a reduction in sentence under Amendment 782 because the defendant already received a substantial downward variance such that even if he received the two level reduction in his Offense Level contemplated by Amendment 782, his actual sentence would still be 15 months lower than the low end of the adjusted Guideline range. *See* Dkt. 802. The Sentence Reduction Investigation Report states that the government agrees with this conclusion. *See id.*


ORDER DENYING SECTION 3582 MOTION
NO. CR 98-00133 CRB

1 For the reasons set forth in the Sentencing Reduction Investigation Report, the Court finds that
2 the defendant is not eligible for a reduction pursuant to Amendment 782 and § 1B1.10(b)(2)(A).

3 Accordingly, the defendant's motion is denied. The Clerk shall serve a copy of this Order on the
4 defendant.

5 **IT IS SO ORDERED.**

6 Dated: August 8, 2017

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9 HON. CHARLES R. BREYER
United States District Judge